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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,746	06/01/2001	Yoshitaka Ukita	7217/64710	3910

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2674

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,746

Applicant(s)

UKITA ET AL.

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. The claims 1, 3-5, 8, and 10-15 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 8,12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Miwa (US 5,626,428).

Miwa discloses in figure 6, a mobile device (because the portable electronic device is the kind of mobile device) comprising a handheld housing that is taller than it is wide when the mobile device is in an upright position; and a plurality of device keys corresponding to a QWERTY keyboard of a personal computer having the plurality of device keys arranged in three rows, each of the three rows of device keys being divided into a leading portion and a following portion, wherein the following portion (W,R,Y, I, P) of the first row is arranged below the leading portion (Q,E,T,U,O) of the first row and is misaligned therewith in a horizontal direction, so that a first key of the following portion is not directly below a first key of the leading portion of the first row, the following portion (S, F,H,K,C/N)of the second row is arranged below the leading portion (A,D,C,J,L) of the second row and misaligned in the horizontal direction, so that a first key of the following portion is not directly below a first key of the leading portion of a

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second row, and the following portion (Shift,X,V,N,Space) of the third row is arranged below the leading portion of the third row and is misaligned in the horizontal direction, so that a first key of the following portion is not directly below a first key of the leading portion of the third row.

Regarding claims 5, 12, Miwa discloses in figure 1, the mobile device comprising touch-sensitive liquid crystal display panel input means mounted on the housing (see column 3, lines 2-5 and see figure 3, see each key 7 operation by finger, column 3, lines 34-37), and wherein the plurality of device keys (7) on the housing are formed by the touch-sensitive liquid crystal panel input means.

Regarding claims 13, 15, Miwa discloses in figure 6, the step of arranging the device keys comprises separating adjacent ones of the leading portion and following portion of the first row of device keys in the longitudinal direction of the housing by a first spacing; and separating the first key of the leading portion from the first key of the following portion of the first row in them longitudinal direction by a second spacing different than said first spacing so as to enhance the misaligning.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3-4, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa (US 5,626,428) in view of Whitcroft (WO 98/19227).

Miwa discloses every feature of the claimed invention, excluding wherein the device keys are colored such that a color of the leading portions of the three rows of device keys is different from a color of the following portions of the three rows of device; or wherein the device keys are colored such that a color of the leading portion and a following portion of the first row are the same, a color of the leading portion and a following portion of the second row are the same and different from the color of the first row, and a color of the leading portion and the following portion of the third row are the same and are the same as the color of the first row.

Regarding claims 3 and 10, Whitcroft discloses keys are colored such that a color of the leading portions of the three rows of device keys is different from a color of the following portions of the three rows of device (see the arranged of each row forms a key-zone, maybe more than three rows, each zone is different color (see page 17, lines 3-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement each row forms a key-zone, each zone is different color as taught by Whitcroft into the system of Miwa having the leading portion and the following because this would be indicated with each zone having different color for designating to the user and which finger is to be used for each zone (see page 17, lines 8-9 and see page 27).

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Regarding claims 4 and 11, it would have been obvious for Miwa and Whitcroft's system to have wherein the device keys are colored such that a color of the leading portion and a following portion of the first row are the same, a color of the leading portion and a following portion of the second row are the same and different from the color of the first row, and a color of the leading portion and the following portion of the third row are the same and are the same as the color of the first row because this would be indicated the individual designator with the arrangement of the keys colored of the system.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, VA Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kimnhung Nguyen
October 27, 2004


REGINA LIANG
PRIMARY EXAMINER